

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 22-CIV-20533-WILLIAMS

WINDY LUCIUS,

Plaintiff,

v.

ILOV305 I, LLC,

Defendant.

ORDER

THIS MATTER is before the Court on Magistrate Judge Chris M. McAliley's Report and Recommendation (DE 20) ("**Report**") on the Motion for Final Default Judgment and Fees and Costs filed by Plaintiff (DE 18) ("**Motion**"). Defendant has neither appeared in this matter nor responded to the Motion. No objections were filed to the Report, which recommends the Court grant Plaintiff's Motion. Upon a careful review of the Report, the Motion, and the record, it is **ORDERED AND ADJUDGED** that:

1. Judge McAliley's Report (DE 20) is **AFFIRMED AND ADOPTED**;
2. Plaintiff's Motion for Final Default Judgment and Fees and Costs (DE 18) is **GRANTED IN PART AND DENIED IN PART**;
3. The Court finds that Defendant's website, <https://sugarfactory.com> ("**Website**") is in violation of Title III of the American with Disabilities Act, 42 U.S.C. §§ 12181–12189, because the Website is not fully and equally accessible to and usable by visually impaired individuals and because Defendant failed to monitor and maintain the Website to ensure that it is fully and equally accessible to and usable by visually impaired individuals;

4. Defendant is **ORDERED TO ALTER** the Website on or before **January 6, 2023** to make it accessible to and useable by visually impaired individuals to the full extent required by Title III of the ADA;
5. If Plaintiff believes the injunction has been violated, she shall given written notice (including reasonable particulars) to Defendant of such violation and Defendant shall have thirty (30) calendar days from receipt of the written notice to investigate and correct any alleged violations. If Defendant fails to correct the violations, Plaintiff may then seek relief from the Court;
6. Plaintiff is **AWARDED** reasonable attorney's fees in the amount of **\$4,560.00**, costs in the amount of **\$502.00**, and litigation expenses in the amount of **\$1,000.00**, for a total amount of **\$6,062.00**;
7. Plaintiff is **ORDERED** to serve a copy of the Report and this Order on Defendant; and
8. The Clerk is ordered to **CLOSE** the case.

DONE AND ORDERED in Chambers in Miami, Florida, this 28th day of September, 2022.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE